

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on 11/17/08

PATENT
Attorney Docket No.: 019433-001600US

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]
Tiffany Wu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David R. MILLER et al.

Application No.: 10/825,961

Filed: April 16, 2004

For: SPINAL DIAGNOSTIC METHODS
AND APPARATUS

Confirmation No.: 8211

Examiner: BOUCHELLE, LAURA A

Art Unit: 3763

SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT UNDER
37 CFR §1.97 and §1.98

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are not enclosed.

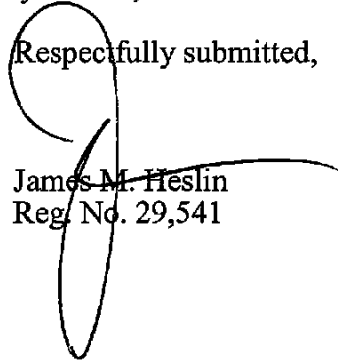
It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
JMH:tfw

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/825,961
		Filing Date	April 16, 2004
		First Named Inventor	David R. Miller et al.
		Art Unit	3763
		Examiner Name	BOUCHELLE, LAURA A
Attorney Docket Number	019433-001600US		
Sheet	1	of	3

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	4,626,241	12-02-1986	Campbell et al.	
	2	4,968,298	11-06-1990	Michelson	
	3	4,994,036	02-19-1991	Biscopring et al.	
	4	5,163,989	11-17-1992	Campbell et al.	
	5	5,232,442	08-03-1993	Johnson et al.	
	6	5,344,399	09-06-1994	DeVries	
	7	5,395,317	03-07-1995	Kambin	
	8	5,405,334	04-11-1995	Roth et al.	
	9	5,409,483	04-25-1995	Campbell et al.	
	10	5,533,986	07-09-1996	Mottola et al.	
	11	5,647,860	07-15-1997	Roth et al.	
	12	5,665,076	09-09-1997	Roth et al.	
	13	5,762,629	06-09-1998	Kambin	
	14	5,772,639	06-30-1998	Lampropoulos et al.	
	15	5,865,802	02-02-1999	Yoon et al.	
	16	5,954,635	09-21-1999	Foley et al.	
	17	6,095,149	08-01-2000	Sharkey et al.	
	18	6,187,000 B1	02-13-2001	Davison et al.	
	19	6,524,320 B2	02-25-2003	DiPoto	
	20	6,544,215 B1	04-08-2003	Bencini et al.	
	21	6,638,276 B2	10-28-2003	Sharkey et al.	
	22	6,652,553 B2	11-25-2003	Davison et al.	
	23	6,736,815 B2	05-18-2004	Ginn	
	24	6,800,084 B2	10-05-2004	Davison et al.	
	25	6,811,558 B2	11-02-2004	Davison et al.	
	26	6,812,211 B2	11-02-2004	Slivka et al.	
	27	6,821,276 B2	11-23-2004	Lambrech et al.	
	28	6,827,716 B2	12-07-2004	Ryan et al.	
	29	6,835,205 B2	12-28-2004	Atkinson et al.	
	30	6,837,891 B2	01-04-2005	Davison et al.	
	31	6,852,095 B1	02-08-2005	Ray	
	32	6,878,155 B2	04-12-2005	Sharkey et al.	
	33	6,899,713 B2	05-31-2005	Shaolian et al.	
	34	6,899,716 B2	05-31-2005	Cragg	
	35	2003/0040796 A1	02-27-2003	Ferree	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1448A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known			
		Application Number	10/825,961		
		Filing Date	April 16, 2004		
		First Named Inventor	David R. Miller et al.		
		Art Unit	3763		
		Examiner Name	BOUCHELLE, LAURA A		
Sheet	2	of	3	Attorney Docket Number	019433-001600US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	36	2003/0083642 A1	05-01-2003	Boyd et al.	
	37	2003/0135156 A1	07-17-2003	Bencini et al.	
	38	2003/0208206 A1	11-06-2003	Gitis et al.	
	39	2003/0216748 A1	11-20-2003	Gitis et al.	
	40	2003/0216768 A1	11-20-2003	Gitis et al.	
	41	2004/0019381 A1	01-29-2004	Pflueger	
	42	2004/0054414 A1	03-18-2004	Trieu et al.	
	43	2004/0083002 A1	04-29-2004	Belef et al.	
	44	2004/0133276 A1	07-08-2004	Lang et al.	
	45	2004/0138525 A1	07-15-2004	Saadat et al.	
	46	2004/0138754 A1	07-15-2004	Lang et al.	
	47	2004/0181178 A1	09-16-2004	Aldrich et al.	
	48	2004/0193274 A1	09-30-2004	Trieu	
	49	2004/0215193 A1	10-28-2004	Shaolian et al.	
	50	2005/0059930 A1	03-17-2005	Garrison et al.	
	51	2005/0059931 A1	03-17-2005	Garrison et al.	
	52	2005/0065397 A1	03-24-2005	Saadat et al.	
	53	2005/0065401 A1	03-24-2005	Saadat et al.	
	54	2005/0070913 A1	03-31-2005	Milbocker et al.	
	55	2005/0085790 A1	04-21-2005	Guest et al.	
	56	2005/0107663 A1	05-19-2005	Saadat et al.	
	57	2005/0113640 A1	05-26-2005	Saadat et al.	
	58	2005/0118228 A1	06-02-2005	Trieu	
	59	2005/0119754 A1	06-02-2005	Trieu et al.	
	60	2005/0203501 A1	09-15-2005	Aldrich et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				<i>Application Number</i>	10/825,961
				<i>Filing Date</i>	April 16, 2004
				<i>First Named Inventor</i>	David R. Miller et al.
				<i>Art Unit</i>	3763
				<i>Examiner Name</i>	BOUCHELLE, LAURA A
Sheet	3	of	3	<i>Attorney Docket Number</i>	019433-001600US

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
			<input type="checkbox"/>	
			<input type="checkbox"/>	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.